

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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KENNETH WAYNE LEWIS, )  
Petitioner, )  
v. ) Civil No. 19-10375-LTS  
LT. TAYLOR, et al., )  
Respondents. )

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ORDER

June 25, 2019

SOROKIN, J.

On February 28, 2019, Kenneth Wayne Lewis, a prisoner confined to FMC Devens, initiated this action by filing a *pro se* pleading. *See* Docket No. 1. On May 8, 2019, Magistrate Judge Bowler issued an Order and Report and Recommendation in which she recommended that this action be construed pursuant to 28 U.S.C. § 2241 and dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. *See* Docket No. 8. At that time, Lewis' motion for leave to proceed *in forma pauperis* was granted. *Id.*

On May 20, 2019, Lewis filed an objection to the Report and Recommendation. *See* Docket No. 10. He also filed a second motion for leave to proceed *in forma pauperis*. *See* Docket No. 11. Lewis' objection is sixty-six pages long. *See* Docket No. 10. In his objection, Lewis states that Magistrate Judge Bowler's "order pertaining to 28 U.S.C. § 2241 – is objected to – for these pertinent 'reasons' (a) the basis for [the] order is from a separate filing; (i) 1 on Jan. 28, 2019 – 1 on April 23, 2019; and (ii) neither was based on 28 U.S.C. § 2241." *Id.* at p. 1. Lewis further states that "you know this was based on the Privacy Act and Rule 55 violation(s)

and (iii) under Rule 55(a) we are producing physical evidence to depict that (iv) the defendants 1 nonmovants are in default and this (v) means Rule 55(b) is in full effect.” *Id.* After listing his objections, Lewis attaches copies of documents from other lawsuits, several of which challenge his criminal sentence. *Id.*

Upon review of Magistrate Judge Bowler's Report and Recommendation, this Court hereby ADOPTS the recommendation in its entirety. Accordingly,

1. The motion (Docket No. 11) to proceed *in forma pauperis* is DENIED as MOOT.
2. Lewis' pleading (Docket No. 1) is construed as a petition for writ of habeas corpus

and is DISMISSED pursuant to Rule 4 of the Rules Governing Section 2254 Cases, and the clerk is directed to enter an Order of Dismissal.

SO ORDERED.

/s/ Leo T. Sorokin  
Leo T. Sorokin  
United States District Judge